
Appeal Decision

Site visit made on 13 July 2020

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2020

Appeal Ref: APP/G5180/D/20/3246426

35 Southborough Road, Bickley, London BR1 2EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Jennifer Garner against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/04015/FULL6, dated 17 September 2019, was refused by notice dated 12 November 2019.
 - The development proposed is described as "*retrospective application for as built close boarded timber boundary fence and proposed automatic vehicle access gates*".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address and description of the proposed development from the planning application form although I note these are expressed differently on other documents.
3. The boundary fence has been erected; therefore, I was able to view it in place at the time of my site visit.

Main Issues

4. The main issues raised by this appeal are the impact of the proposed development upon highway safety and its effect upon the character and appearance of the area.

Reasons

Highway safety

5. The existing driveway provides access to and from Oldfield Road and is within extremely close proximity to a roundabout junction. The Council's Highway adviser has highlighted that this is a busy junction and I would concur with this view from what I observed at my visit. Automatic gates are proposed primarily to prevent unwanted pedestrian trespass onto the appellant's land. The gates are proposed at the boundary of the appeal site adjacent the Oldfield Road pedestrian pavement and where double yellow lines prevent parking from taking place on the vehicular highway.
6. A vehicle wishing to enter the gates would be required to wait until the gates opened. Whilst waiting, a vehicle would protrude onto the pavement and

vehicular highway carriageways. This would obstruct the free flow of people movement and traffic. Given the driveway's proximity to the junction and its busy nature the proposal would be extremely likely to increase the risk of accident thus endangering the well-being and safety of pedestrians, cyclists and vehicle users, as well as the well-being and safety of the appellant and her family. This would have a significant adverse impact on highway safety. The desire to prevent unwanted pedestrian trespass onto the appellant's land does not outweigh or justify the adverse impact on highway safety.

7. In addition, the fence abuts the driveway. This restricts visibility of pedestrians approaching the junction from Oldfield Road when a vehicle emerges from the driveway. This would also create a risk to highway users and adds to my above highway safety concerns.
8. For these reasons, I conclude that the proposed development would be harmful to highway safety. The proposal would, therefore, conflict with Policy 32 of the London Borough of Bromley Local Plan 2019 (the Local Plan) that seeks to ensure development would not significantly adversely affect road safety.

Character and appearance

9. In the general area there are a variety of boundary types and styles, some are low in height whilst others are tall. I observed that there is no distinctive pattern or uniformity to the boundary treatments locally. The appellant has also directed me to examples of tall fences within the environs of the appeal site.
10. The fence encloses a side garden and is visible above the existing wall that runs alongside Oldfield Road. The front part of the fence next to the driveway is visible from the adjacent highway junction, however, the existing vegetation along the front boundary of the appeal site reduces its visibility in views from Southborough Road. Whilst the fence is taller than other boundaries in the locality, it is limited in its visual impact in that it serves to enclose the side garden only. Given the variety of boundaries, including those interspersed tall fences that is observed within the wider area, I do not consider the fence appears unduly out of keeping or appreciably visually conspicuous within the context of this area.
11. I acknowledge the proposed gates would also have a visual impact albeit I have already found the gates to be unacceptable for highway safety reasons.
12. For these reasons, I conclude that the proposed development would not harm the character and appearance of the area. As such, the proposed development would comply with Policy 37 of the Local Plan that seeks, amongst other matters, development to be of a high standard of design and layout.

Conclusion

13. Whilst I have found in favour of the appellant in terms of the effect of the development upon the character and appearance of the area, this does not overcome the identified harm relating to highway safety.
14. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Davies INSPECTOR